

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS JACKSON,

Plaintiff,

vs.

Civil Action No. 13-cv-10827
HON. BERNARD A. FRIEDMAN
MAG. JUDGE CHARLES BINDER

SCOTT MARRIOTT, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Magistrate Judge Charles Binder's Report and Recommendation ("R&R") dated February 20, 2014 [docket entry 56]. The R&R recommended that the Court grant defendants' motion for summary judgment [docket entry 30] and deny plaintiff's motions to compel discovery [docket entry 41], appoint counsel [docket entry 44] and commence civil contempt proceedings against defendants [docket entries 48 and 52]. Plaintiff filed a timely objection to the R&R pursuant to Fed. R. Civ. P. 72(b)(2).

In his objections to the R&R, plaintiff maintains that he exhausted his administrative remedies once the prison's Step I grievance coordinator denied his request to file a grievance pursuant to MDOC Policy Directive, 03.02.130 ¶ KK. This assertion directly conflicts with the record. Plaintiff's grievance summary report demonstrates that he submitted eight grievances during the time prison officials placed him on modified access. With respect to only two of these grievances, plaintiff received a rejection letter on the ground that he failed to request a Step I grievance form from the Step I grievance coordinator in violation of the aforementioned policy directive. Thus, plaintiff never exhausted his administrative remedies as he so claims. See Walker v. Mich. Dep't of Corr., 128 F. App'x 441, 446-447 (6th Cir. 2005). Accordingly,

IT IS ORDERED that Magistrate Judge Charles Binder's R&R dated February 20, 2014,
is hereby accepted and adopted.

IT IS FURTHER ORDERED that defendants' motion for summary judgment is granted.

IT IS FURTHER ORDERED that plaintiff's outstanding motions are denied as moot.

Dated: March 7, 2014
Detroit, Michigan

s/ Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE